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Iowa Fish and Game Laws
Federal Migratory Bird Regulations

AND

The Lacey Bird Law

(FEDERAL LAW)

In Force July 4, 1913

Laws, Laws, Statutes, etc.



State Fish and Game Warden

Elmer C. Hinshaw

Spirit Lake

Iowa

ASSISTANT FISH AND GAME WARDENS

Northeast District—R. T. St. John, Riceville

Southeast District—Geo. C. Cooper, 1007 West Eighth Street,
Des Moines

Southwest District—Tim C. Jackson, Shenandoah

Beacon Press, Spirit Lake, Iowa

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Rev. Co., Mar. 3, 1898

Explanation of Iowa Fish and Game Laws

Many persons complain that they have difficulty in determining the real meaning of the law relating to fish and game, and for their benefit the following general statement is made: For convenience I have adoptetd a special section of this book for each provision of law, but the regular order has been preserved, and at the close of each section will be found a citation to the appropriate Code Section and Session laws.

It is the duty of wardens, sheriffs, constables and other police officers to seize fish and game taken illegally, and such seizure may be made without warrant. Section 1 of this book.

Seizure without warrant

Any court having jurisdiction, may issue a search warrant, under which search may be made for fish and game illegally taken. Section 1.

Search warrant

Fish and game illegally caught shall be sold for payment of costs, excess, if any, to go to the school fund. Section 1.

Disposition of fish and game seized

Any nets, traps, guns, or other devices used for taking fish and game illegally may be seized without warrant and destroyed without warrant. Section 1.

Seizure of nets, etc.

Explanation of Iowa

Season for fishing

1. Salmon and trout may be taken with hook and line from April 15th to October 1st only. .

2. Bass, pike, crappies, pickerel, cat-fish and other game fish may be taken with hook and line from May 15th to December 1st. Section 2.

Number of fish which may be taken legally

Not more than forty game fish may be taken by any person in one day, of which not more than twenty shall be bass, pike or pickerel. Section 2.

Shipment of fish

Fish may be shipped, but affidavit giving name of shipper and consignee and residence of both, kind of fish, and that same are not being shipped for sale, must be made and filed with the common carrier. Section 2.

Trot lines

Between May 15th and December 1st trot lines extending not more than half way across a stream, and not obstructing the free passage of fish, may be used. Section 2.

Fish houses

No fish houses or other protection against the weather shall be used in fishing through the ice. Section 2.

Possession of seine, etc., unlawful

The possession of a trap, net, seine, etc., upon the waters or ice, within a limit of ten rods from the shore of public waters is declared unlawful. Section 2.

Taking fish near fishways and dams

It is unlawful to take fish within 300 feet of a fishway or dam by any means other than rod, line, hook and bait.

It is illegal to catch bass, catfish, pike, crappies or trout less than six inches in length, except as same are immediately returned to the waters from which taken. Section 2.

Size of fish

It is unlawful to place explosives or drugs in the public waters with intent to destroy fish. Section 3.

Placing explosives
in public waters

Minnows may be taken for bait by the use of a three-eighths inch mesh seine not exceeding five yards in length, but by minnows is not meant the young of bass, pike, crappies, trout, salmon, or the fry of any game fish. Nets smaller than one-quarter inch mesh will be seized and destroyed. Section 4.

Minnows for bait

No person shall use more than two lines with one hook upon each, except that a trot line may be used as hereinbefore explained, and except also that in trolling a spoonhook consisting of three hooks fastened together may be so used. Any hook and bait or combination of hooks intending to catch but one fish at a time may be used. Section 5.

Number of lines

It is illegal to knowingly have in possession for sale, transportation, or any other purpose, any fish unlawfully taken. Section 6.

Buying or selling
fish unlawfully
taken

The violation of any of the provisions hereinbefore explained, is punishable by a fine of not less than five dollars nor more than fifty dollars and cost of

Penalty

prosecution for each fish, or imprisonment in the county jail for not less than one day nor more than thirty days for each fish. Section 7.

Private fishing

Any person may raise fish upon or within his own premises if same are not stocked through any inlet or outlet, and fish so raised are the private property of the owner, with full right to use same as he may desire.

Persons taking fish so raised without the owner's consent, are liable to the same punishment as above specified. Section 8.

Fish and game warden may take fish for propagation purposes

The warden is given authority to remove fish from any of the public waters of the state, either for stocking other waters or for exchange with other wardens. Section 9.

Warden may issue permits to take certain fish

Under certain conditions the warden may authorize the taking of buffalo, carp, quillbacks, red horse, suckers and gar, by the use of a seine.

Fishing in boundary waters

Under conditions too lengthy to here specify, licenses may be issued by the fish and game warden for seining fish in the boundary rivers of the state. Any person interested in so taking fish in said boundary rivers should examine these provisions of the law carefully. See sections 10, 11, 12, 13, 14 and 15 of this book.

Dams must have fishways

It is unlawful to erect a dam across any river, stream, or other waters of

the state without providing an adequate free passage for fish up and down same. Any person violating the provisions of this section may be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not less than fifteen nor more than thirty days. Section 16.

Cities and towns bounded in whole or in part by any lake, may construct and maintain at the inlet or outlet thereof, a dam to obstruct the passage of fish. A petition signed by a majority of the resident tax payers is required in order to purchase or condemn a cite for said dam. The Board of Supervisors of any county in which such a lake is situated is given the same authority. Section 17.

Condemning property for fish dams

Any person wilfully destroying or injuring a dam so erected, may be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not less that thirty days nor more than one hundred days. - Section 18.

Penalty for destroying such dam

1. Native grouse and prairie chickens may be taken from September 1st to December 1st. Section 19.

Season for taking game birds and animals

2. Woodcock may be taken from July 10th to January 1st. Section. 19.

3. Ruffed grouse, pheasants, wild turkey and quail may be taken from November 1st to December 15th. Section 19.

Explanation of Iowa

4. Wild ducks, geese, brant, rail, plover, sandpipers and marsh or beach birds may be taken from September 1st to April 15th. Section 19.

5. Gray, fox, or timber squirrels may be taken from September 1st to January 1st. Section 19.

6. Beaver, mink, otter and muskrat may be taken from November 1st to April 1st. Section 22.

**Killing quail on
public highways**

It is unlawful to shoot or kill quail on any public highway. Section 19.

**Killing game birds
or animals from
ambush**

None of the birds or animals herein described, may be killed from any artificial ambush, or from any sailboat, gasoline or electric launch or steamboat, or any other water conveyance except as propelled by oar or paddle. Section 19.

**Devices for concealment, artificial
light, etc.**

No device for concealment on the open waters, or artificial light, battery, or deception may be used in taking game, except that decoys are permitted in hunting wild ducks and geese. Section 19.

**Shooting between
sunset and sunrise
prohibited**

No person shall at any time hunt and shoot from any boat, canoe, conveyance, or device whatever, on any waters of the state, between sunset and sunrise. Section 19.

Penalty

A violation of the foregoing provision is punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, with imprisonment for

thirty days unless fine and costs are paid. Section 19.

It is unlawful for any person except the owner, to kill, capture or injure any deer, elk, or goat, except when distrained. Section 20.

**Deer, elk and
goats protected**

Penalty for violating the foregoing provision shall be a fine of not more than one hundred dollars or imprisonment not to exceed thirty days, or both. Section 20.

Penalty

The warden is given authority to kill or capture any deer now running at large in this State, and he may distribute same.

The expense of capture and distribution to be paid by the person to whom distributed. Section 61.

No person shall kill more than twenty-five of the birds or animals herein referred to in one day. It is also made unlawful to have more than the number named in possession at one time, except that one may lawfully hold possession of fifty ducks. Section 21.

**Number which
may be killed**

The law prohibits catching any of the game herein referred to with traps, snares, or nets, and it is made unlawful to destroy the eggs or nests of any of the birds herein referred to. Section 21.

**Snaring and trap-
ping game and
destroying nets**

It is made unlawful for any person to either buy or sell, whether dead or alive, any of the birds, animals or game

**Sale of game birds
prohibited**

herein referred to, and having any such in possession is prohibited except during the first five days of the closed season. Sections 21 and 23.

Shipping game birds or animals within or out of the state

It is illegal to ship any of the birds or animals herein referred to out of the state, and in shipping from one point to another in the state, certain conditions are prescribed which must be carefully complied with, and any person shipping should carefully examine the law relating thereto. Sections 24, 25 and 26.

What guns may be lawfully used

Only such guns as are commonly shot from the shoulder may be used in killing game, and the use of medicated or poisoned food is prohibited, with severe punishment. Section 27.

Hunting upon cultivated or enclosed lands

It is necessary to obtain permission from the owner occupant or agent of land before hunting thereon, and without such permission a fine of not more than ten dollars and costs may be imposed, but such proceedings can be brought only upon complaint of the owner, occupant or agent of the cultivated or enclosed lands. Section 29.

What are game birds

The following are defined as game birds: Swan, geese, brant, river and sea ducks, rails, coots, mud hens, gallinules, shore birds, plover, surf birds, snipe, woodcock, sandpipers, tattlers, curlews, wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. All other birds, whether resi-

dent or migratory, are placed in the non-game bird class, and hence cannot be killed at any season of the year, (Sec. 31) except that the house sparrow, great horned owl, sharp shinned hawk, cooper's hawk, blackbirds and crows are not protected by law at any season. Section 37.

It is made illegal to destroy the eggs or nests of any wild birds except sparrows, crows, blackbirds, hawks and owls. Sections 32 and 34.

**Destroying nests
and eggs of wild
birds prohibited**

Individuals and common carriers are prohibited from shipment of non-game birds, except as the game warden may give authority therefor for scientific purposes. Section 33.

**Shipment of
non game birds
prohibited**

Hunting is made illegal without first procuring a license therefor, and no license may be granted to any person under eighteen years of age without the written consent of the parents or guardians. Sections 44-45.

**Hunters' license
law**

Application blanks are furnished by the state fish and game warden to the county auditors of the state, and may be there obtained.

**Application blanks
for licenses**

Resident licenses cost one dollar per annum, and non-resident licenses cost ten dollars per annum. Sections 46-47.

A non-resident license holder may take with him from the state, not to exceed twenty-five game birds or animals, but they must be so carried as to be

**Non-resident
license holders'
privileges**

readily inspected, and he must show his license upon request. Section 48.

**When licenses
expire**

All licenses expire on the first day of July next succeeding their issuance. Section 51.

**Rights upon one's
own premises**

Owners and tenants may hunt upon their own premises without obtaining a license therefor, but must obtain a license if they hunt beyond their own premises. Section 51.

**Revocation of
licenses**

A hunter's license cannot be transferred, and if in the possession of any person other than the person to whom issued, may be revoked, and if any person hunt upon another's enclosed or cultivated fields without permission, his license may be revoked. Section 52.

**Duty to exhibit
licenses**

It is made the duty of any person in possession of a gun, in the fields or forests or upon the waters of the state, to exhibit his license when demanded, by any person. Section 53

**Using birds for
target**

It is made unlawful to use or keep live birds for target purposes. Section 56

**Pheasants
protected**

It is made unlawful to take Mongolian, Ring Neck, English or Chinese pheasants prior to the first day of October 1915. Section 57.

The Federal Migratory Bird Law was signed and approved by President Wilson and became effective October 1st, 1913, with the following changes:

No hunting is allowed on the Mississippi and Missouri rivers, or the shores thereof, at any season of the year.

No Wood Ducks to be killed for five years.

Open season for Ducks, Geese and Brant, September 1st to December 15th inclusive.

Shooting migratory birds between sunset and sunrise is prohibited.



The United States Law and Regulations Relating to Migratory Birds

The federal government has enacted a law placing all migratory birds under the protection of the United States and giving the Department of Agriculture authority to adopt regulations prescribing and fixing closed seasons and providing punishment by fine of not to exceed one hundred dollars or imprisonment for not more than ninety days, or both, for violation of the law or the regulation adopted thereunder. 37 U. S. Stat. at large 847.

This Act further provides that after preparation of the regulations authorized, such regulations shall be made public and shall not be finally adopted for a period of three months, during which time public hearings may be had thereon. The Department of Agriculture made the proposed regulations public under date of June 17th, 1913, and the regulations as finally approved may vary from those proposed, but as it is necessary in the proper administration of the duties of this office to publish this booklet at this time, the

14 Federal Migratory Bird Regulations

Regulation 1 Definitions

substance of the proposed regulations is now given, all persons being warned, however, that material change may be made therein upon final approval.

For the purposes of these regulations the following shall be considered migratory game birds:

(a) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidæ or cranes, including little brown, sandhill and whooping cranes.

(c) Rallidæ or rails, including coots, gallinules, and sora and other rails.

(d) Limicolæ or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow-legs.

(e) Columbidae or pigeons, including doves and wild pigeons.

For the purposes of these regulations the following shall be considered migratory insectivorous birds:

(f) Bobolinks, catbirds, chickadees, cuckoos, flycatchers, grosbeaks, humming birds, kinglets, martins, meadow larks, night hawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

Federal Migratory Bird Regulations . 15

A daily closed season on all migratory game and insectivorous birds shall extend from sunset to sunrise.

Regulation 2
Closed Seasons at Night

A closed season on migratory insectivorous birds shall continue to December 31, 1913, and each year thereafter shall begin January 1 and continue to December 31, both dates inclusive, provided that nothing in this regulation shall be construed to prevent the issue of permits for collecting such birds for scientific purposes in accordance with the laws and regulations in force in the respective States and Territories and the District of Columbia.

Regulation 3
Closed Season on Insectivorous Birds

A closed season shall continue until September 1, 1918, on the following migratory game birds: Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs.

Regulation 4
Five-year Closed Seasons on Certain Game Birds

A closed season shall continue between January 1 and October 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to-wit: The Mississippi River between New Orleans, La., and Minneapolis, Minn.; the Ohio River between its mouth and Pittsburgh, Pa.; and the Mis-

Regulation 5
Closed Season on Certain Navigable Rivers

souri River between its mouth and Bismarck, N. Dak.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any such waters.

Regulation 6
Zones

The following zones for the protection of migratory game and insectivorous birds are hereby established:

Zone No. 1, the breeding zone, comprising States lying wholly or in part north of latitude 40° and the Ohio River and including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Oregon, and Washington—25 States

Zone No. 2, the wintering zone, comprising States lying wholly or in part south of latitude 40° and the Ohio River and including Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Arizona, California, Nevada, and Utah—23 States and the District of Columbia.

For the purposes of regulations 8 and 9, each period of time therein prescribed as a closed season shall be construed to include the first day and to exclude the last day thereof.

**Regulation 7
Construction**

Closed seasons in zone No. 1 shall be as follows:

**Regulation 8
Closed Seasons in
Zone No. 1**

Waterfowl.—The closed season on waterfowl shall be between December 16 and September 1 next following, except as follows:

Exceptions: In Massachusetts the closed season shall be between January 1 and September 15.

In Minnesota and North Dakota the closed season shall be between December 16 and September 7.

In South Dakota the closed season shall be between December 16 and September 10.

In New York, other than on Long Island, and in Oregon the closed season shall be between December 16 and September 16.

In New Hampshire, Long Island, New Jersey, and Washington the closed season shall be between January 16 and October 1.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Exceptions: In Massachusetts and

Rhode Island the closed season shall be between December 1 and August 1.

In New York and on Long Island the closed season shall be between December 1 and September 16; and

On rails in California and Vermont the closed season shall be until September 1, 1918.

Woodcock.—The closed season on woodcock shall be between December 1 and October 1 next following, except as follows:

Exceptions: In Maine and Vermont the closed season shall be between December 1 and September 15.

In Massachusetts, Connecticut and New Jersey the closed season shall be between December 1 and October 10.

In Rhode Island, Pennsylvania, and on Long Island the closed season shall be between December 1 and October 15; and

In Illinois and Missouri the closed season shall be until September 1, 1918.

Shore Birds.—The closed season on black-breasted and golden plover, jack snipe or Wilson snipe, and greater or lesser yellowlegs shall be between December 16 and September 1 next following, except as follows:

Exceptions: In Maine, Massachusetts, and on Long Island the closed season shall be between December 16 and August 1.

In Minnesota and North Dakota the closed season shall be between December 16 and September 7.

In South Dakota the closed season shall be between December 16 and September 10.

In New York, other than on Long Island, and in Oregon the closed season shall be between December 16 and September 16; and

In New Hampshire and Washington the closed season shall be between December 16 and October 1.

Closed seasons in Zone No. 2 shall be as follows:

Regulation 9
Closed Seasons in
Zone No. 2

Waterfowl.—The closed season on waterfowl shall be between January 16 and October 1 next following, except as follows:

Exceptions: In Kansas, Oklahoma, New Mexico and Arizona the closed season shall be between December 16 and September 1; and

In Maryland, Virginia, North Carolina, and South Carolina the closed season shall be between February 1 and November 1.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Exceptions: In Tennessee and Louisiana the closed season shall be between December 1 and October 1; and

In Arizona the closed season shall be between December 1 and October 15.

Woodcock.—The closed season on woodcock shall be between January 1 and November 1, except as follows:

Exceptions: In Louisiana the closed season shall be between January 1 and November 15; and

In Georgia the closed season shall be between January 1 and December 1.

Shore Birds.—The closed season on black-breasted and golden plover, jack-snipe or Wilson snipe, and greater and lesser yellowlegs shall be between December 16 and September 1, next following, except as follows:

Exceptions: In Alabama the closed season shall be between December 16 and November 1.

In Louisiana and Tennessee the closed season shall be between December 16 and October 1.

In Arizona the closed season shall be between December 16 and October 15.

In Utah, on snipe the closed season shall be between December 16 and October 1, and on plover and yellowlegs shall be until September 1, 1918.

Regulation 10
Hearings

Persons recommending changes in the regulations or desiring to submit evidence in person or by attorney as to the necessity for such changes, should make application to the Secretary of Agriculture. Whenever possible hearings will

be arranged at central points, and due notice thereof given by publication or otherwise, as may be deemed appropriate. Persons recommending changes should be prepared to show the necessity for such action and to submit evidence other than that based on reasons of personal convenience or a desire to kill game during a longer open season.

Federal Law for the Protection of Migration Birds

[37 Stat., 847.]

[Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and

fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned not more than ninety days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of non-migratory game or other birds resident and breeding within their

borders, nor prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions, the sum of \$10,000.

Approved, March 4, 1913.

In view of the fact that the above rules may, upon final adoption, be modified, all persons should, when the rules become final and effective, post themselves with reference thereto. This Department will make the rules, as finally adopted, public through the newspapers, and will gladly furnish any desired information concerning same at any time.

All communications relating to the fish and game interests of the State should be addressed to the warden.

ELMER C. HINSHAW.

Spirit Lake, Iowa.

Fish and Game Laws

SECTION 1. *Warden—Compensation—Duties—Seizure without Warrant—Sale.* There is hereby created the office of State fish and game warden. The warden shall be appointed by the Governor, and holds his office for three years from the first day of April of the year of his appointment. He shall receive a salary of two thousand two hundred (\$2,200) dollars annually, together with his necessary traveling, contingent and office expenses, to be paid out of moneys collected under the provisions of chapter one hundred fifty-four (154), acts of the thirty-third general assembly. He shall have charge and management of the State fish hatcheries, which shall be used in stocking the waters of the State with fish native to the country and to the extent of the means provided by the State. He shall impartially and equitably distribute all fry raised by or furnished to the State, or for it through other sources, in the streams and lakes of the State; shall faithfully and impartially enforce obedience of the provisions of this chapter, and shall make a biennial report to the Governor of his do-

Warden
Compensation
Duties

**Seizure without
warrant****Disposition of
fish, birds or
animals seized**

ings, together with such information upon the subject of the culture of fish and the protection of game in the country as he may think proper, accompanied with an itemized statement monthly to the executive council under oath of all moneys expended and for what purpose, and of the number and varieties of fish distributed, and in what waters. It shall be the duty of the fish and game warden, sheriffs, constables, and police officers of this State to seize and take possession of any fish, birds or animals which have been caught, taken or killed at a time, in a manner or for a purpose, or had in possession or under control, or have been shipped contrary to the provisions of this chapter. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any fish, birds or animals, caught, taken, killed, had in possession, under control, or shipped contrary to any of the provisions of this chapter, shall issue a search warrant and cause a search to be made in any place therefor. Any fish, birds or animals so found shall be sold for the purpose of paying the costs in the case, and the amount, if any, in excess of the costs shall be turned into the school fund of the county in which the seizure is made. Any net, seine,

trap, contrivance, material and substance whatever, while in use or had and maintained for the purpose of catching, taking, killing, trapping, or deceiving any fish, birds, or animals contrary to any of the provisions of this chapter is hereby declared to be, and is, a public nuisance, and it shall be the duty of the fish and game warden, sheriffs, constable and police officers of the State, without warrant or process, to take or seize any and all of the same, and abate and destroy any and all of the same, without warrant or process, and no liability shall be incurred to the owner or any other person for such seizure and destruction, and said warden or his regularly constituted deputies or other peace officers as hereinbefore named shall be released from all liability to any person or persons whomsoever for any act done or committed or property seized or destroyed under or by virtue of this section. Code Sec. 2539. (29 G. A., ch. 103, Sec. 1; 23 G. A., ch. 34, Sec. 12; 17 G. A., ch. 80, Secs. 1, 4; 35 G. A., 203, Sec. 2; 33 G. A., ch. 152; 34 G. A., ch. 116.)

**Nets or other
devices public
nuisance**

**No liability of
Warden or
Deputy**

SEC. 2. *Fishing—What permitted.* Between the first day of October and April 15, no one shall take from the waters of the State any salmon or trout, nor between the first day of December and the fifteenth day of May any bass, pike,

**Open and closed
season for fishing**

Number caught**Unlawful to ship
game fish for sale****Shipping of
game fish
Affidavit made**

crappies, pickeral (pickerel), catfish or other game fish, nor shall any one person take any of said fish from the waters of the State in any one day more than forty (40) of any or all of said kinds of fish, of which total number not more than twenty shall be bass, pike or pickerel. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport to any place within or without this State for purposes of sale, any game fish taken from the inland waters of the State. Any person, firm or corporation desiring the shipment or transportation of any game fish, shall deliver to the common carrier, express or transportation company a statement under oath in duplicate, setting forth the name of the shipper, the person to whom the package is shipped, the residence of both, the kind and number of fish contained in such package, and that the fish contained in such package are not being shipped for the purpose of sale or market, and one copy thereof shall be retained by the common carrier, express or transportation company receiving such shipment for the period of twelve months thereafter, and the other copy thereof shall be attached in a secure manner to such package. Any agent of any common carrier, express or transportation company receiving such shipment is hereby

authorized to administer to such shipper the oath contemplated in the last preceding paragraph. Any shipment made in violation of the provisions of this act may be seized, confiscated and sold by any game warden in the state at private or public sale; the proceeds thereof to be turned into the fish and game protection fund, or such shipment may be by such warden destroyed. Nor shall any one fish for or by any means catch any fish in any stream, which has been stocked with breeding trout, one or two years old, within one year from the date of the stocking thereof, if notice of such fact is by the authority of the warden posted where a public road crosses such stream; nor shall any one at any time take from the waters of the State any fish, except minnows for bait, unless by hook and line; but any person may, between the fifteenth day of May and the first day of December use not more than one trot line in streams only, and extending not more than half way across, nor shall anyone place, erect, or cause to be placed or erected, any trot line seine, net, trap, dam or other device or contrivance in the water in such manner as to hinder or obstruct the free passage of fish, up, down, or through the same for the purpose of catching them, except as provided in the next section; nor have, erect, or use, while

Unlawful shipments seized

Stocked stream

Hook and line only

Trot line

Obstructing the passage of fish

- Fishing through ice** fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove or other means for creating artificial heat.
- Spear or other devices unlawful** The possession of a spear, trap, net, or seine in or upon any of the public waters of the State, or upon the ice of the same, or on the shore within a limit of ten rods, or the taking or killing or attempting to take or kill any fish by any means other than by rod, line, hook and bait within three hundred (300) feet of a fish way or dam shall be unlawful, but the provisions of this section shall not prevent the taking of carp, sucker, red-horse or buffalo in the day time by use of a spear, in any months except March and April. No person shall at any time kill, destroy, have in possession or under control, for any purpose whatever any bass, catfish, wall-eyed pike, crappies, or trout, less than six (6) inches in length, except for the purpose of returning the same to the waters from which they were taken, as soon as they are taken therefrom, with as little injury to the fish as possible. Sec. 2540. (26 G. A. ch. 80, Sec. 1; 25 G. A., ch. 65; 23 G. A., ch. 34, Secs. 2, 3, 6, 7; 17 G. A., ch. 80, Secs. 5, 6; 16 G. A., ch. 70, Sec. 6). (27 G. A., ch. 64, Secs. 2, 4). 29 G. A., ch. 103, Secs. 2, 4). (30 G. A., ch. 92, Secs. 1, 2). (30 G. A., ch.
- Taking fish near fishway**

93). (33 G. A., ch. 153, Sec. 1). (35 G. A., ch. 204). (35 G. A., ch. 205).

SEC. 3. *Explosives—Drugs—Penalty.*

It shall be unlawful for anyone to place in the waters of the State any lime, ashes or drug of any kind or other substance, explode dynamite, gun cotton, giant powder or other compound or preparation, or use electricity in any way with the intent to kill or so to affect any fish that it may be taken and anyone guilty of any of said acts shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars or imprisoned in the county jail not less than fifteen nor more than thirty days. (29 G. A., ch. 103, Sec. 5; 33 G. A., ch. 153, Sec. 2).

Small fish
Placing explosives
in the public
waters of the State

Minnows for Bait.

SEC. 4. *Minnows for bait.* In taking minnows for bait, a three-eighth inch mesh seine not exceeding five yards in length may be used, and if any of the fish enumerated in the preceding section shall be taken, they shall at once be restored unharmed to the water whence taken, and the word "minnows" as used in this chapter does not include young bass, pike, crappies, trout, salmon, or fry of any game fish, native or otherwise. Section 2541. (23 G. A., ch. 34, Sec. 2).

Minnows for bait

SEC. 5. *Two lines.* No person shall

The only lawful way to fish

use more than two lines, with one hook upon each line, in still fishing or otherwise, except that a trot line as above provided, or in trolling a spoonhook composed of three hooks fastened together may be used. Section 2542. (26 G. A., ch. 80, Sec. 2)

Fish unlawfully taken

SEC. 6. *Buying or selling.* No person shall knowingly buy, sell, offer for sale, have in possession for sale or transportation, or for any other use or purpose, any fish unlawfully taken under the provisions of this chapter. Section 2543. (23 G. A., ch. 34, Sec. 4).

Penalty

SEC. 7. *Penalty.* Any person, firm or corporation who shall violate any of the provisions of section twenty-five hundred forty (2540) of the supplement to the code, 1907, as herein amended, or twenty-five hundred forty-one (2541), twenty-five hundred forty-two (2542), or twenty-five hundred forty-three (2543) of the code, shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than five nor more than fifty dollars and cost of prosecution for each offense, or be imprisoned in the county jail for not less than one day nor more than thirty days, and the taking of each fish in violation of law shall be construed to be a separate offense. Section 2544. (33 G. A., ch. 153, Sec. 3).

Owners of private waters

SEC. 8. *Private fis'ing.* Persons who raise or propagate fish upon their own

premises, or who own premises on which there are waters having no natural inlet or outlet through which such waters may become stocked or replenished with fish, are the owners of the fish therein and may take them as they see fit, or permit the same to be done. Any person taking said fish without the consent of such owner shall be guilty of a misdemeanor, and be prosecuted and punished as provided in the preceding section, and such owner may recover three times the value thereof from the person so taking them. Section 2545. (23 G. A., ch. 34, Sec 10; 16 G. A., ch. 70, Sec. 4).

SEC. 9. *Taking by warden—written permits.* The warden may take from any of the public waters of the State, at any time and in any manner, any fish for the purpose of propagating or restocking other waters, or exchanging with fish commissioners or wardens of other States or of the United States; provided, further, that the warden may, upon proper application in writing, made upon blanks furnished by said warden, issue to whomsoever he may see fit, written permits, upon blank forms to be furnished by said warden, suspending for a specified period specified portions of this chapter relating to fishing, and authorizing the person to whom said permit is issued, to take from certain designated lakes of the State,

Warden may take from the public waters of the State fish for propagation or other purposes

Warden may issue permits to take from certain lakes certain fish

having an area of not less than two (2) square miles, buffalo, carp, quill-backs, red-horse, suckers and gar, as in said permit named, in any quantities and for all purposes, provided, however, that no such permit holder shall be authorized to exercise the rights granted in said permit except in the presence and under the supervision of the warden or one or more of his regularly constituted deputies, without expense to the State, and provided that seining shall not be permitted between the first day of December and the fifteenth day of June. Section 2546. (29 G. A., ch. 103, Sec. 6; 23 G. A., ch. 34, Sec. 2; 30 G. A., ch. 94, Sec. 1).

**Fishing with hook
and line does not
require license**

SEC. 10. *Rivers excepted—dams.* Except as otherwise expressly stated, nothing herein contained shall be held to apply to fishing in the Mississippi or Missouri rivers, nor to so much of the Des Moines river as forms the boundary line between this State and Missouri, nor to forbid the erection of dams across the waters of the State for manufacturing or other lawful purposes, subject to the provisions of the following section. Section 2547. A 1.

**The only lawful
way to fish in the
Des Moines and
Big Sioux Rivers**

SEC. 11. It shall be unlawful for any person to take from the waters of that part of the Des Moines river forming a part of the boundary between this State and Missouri, or from the waters of the

Big Sioux river within the jurisdiction of this State, any fish with net, seine, trap, contrivance, material or substance whatsoever except by rod, line, hook and bait. It shall be unlawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this State any fish with nets or seines without first procuring from the state fish and game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a non-resident of the State of Iowa, the applicant shall execute and deliver to the fish and game warden a bond running to the State of Iowa in the penal sum of \$200.00 with two sureties who shall each justify in the sum of \$200.00 in property in this State over and above all debts and liabilities, and property exempt by law from sale on execution. In lieu of such bond such licensee may make a cash deposit of \$200.00, or provide bond of any surety company authorized to do business in this State. Such bond shall be conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this act and the rules and regulations which are or may be hereafter prescribed by law, such application to be null and void, otherwise to remain in full force and effect. The fee charged for such license shall be as follows: For each 500 lineal feet of

**License required
to use nets and
seines in the
Mississippi or
Missouri rivers**

**Non-resident must
give bond**

**Nets and seines
that will be
licensed**

seine, or fraction thereof, ten (\$10.00) dollars; for each pound net having more than 100 feet lead on each side, four (\$4.00) dollars; for each pound net having less than 100 feet lead on each side, one (\$1.00) dollar; for each bait net, dip net, hoop net, and fyke net, fifty (50) cents; for each three hundred (300) lineal feet of trammel net used for floating fishing, five dollars (\$5.00).

**License expires 1st
day of March fol-
lowing issuance**

All licenses shall expire on the first day of March following their issuance. The State fish and game warden shall furnish to each licensee at an expense not to exceed ten (10) cents each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet, or fraction thereof, of seine; and it shall be unlawful to use any seine or net in the waters specified in this section without having a tag thus procured attached thereto; provided, that no seine or net with less than two and one-half ($2\frac{1}{2}$) inch mesh, stretch measure, shall be licensed or used for fishing under this act. Section 2547. A 2.

**Metal tag must be
fastened on each
seine and net**

**License funds to
be used for main-
tenance of fish and
game department
and for preserva-
tion of food fishes**

SEC. 12. The funds received for such license and sale of tags shall be expended by the State fish and game warden for the maintenance of his department and meeting the expenses thereof, and so far as same are available, he shall

expend same in the preservation of food fishes in the waters described in section two (2) hereof by removing young fish from dead or cutoff waters to the live waters adjacent thereto. And where practicable, cleaning the channel from said dead and cutoff waters so that young fish can escape therefrom.

He shall render an itemized account of all such funds in each biennial report. Section 2547. A 3.

SEC. 13. It shall be unlawful for any person to take from the waters described in section two (2) of this act, except by hook and line and spear, any of the following fish in lengths less than as follows, to-wit: Carp, fifteen inches; buffalo, fifteen inches; black bass, eleven inches, striped or white bass, eight inches; pike, fifteen inches; pickerel, eighteen inches; catfish, thirteen inches; crappies, eight inches; and the following fish weighing less than as follows, to-wit: sand sturgeon, one pound; rock sturgeon, three pounds; and no pike, bass or crappies between and including March 31st and June 1st of each year. Section 2547. A 4.

**Fish and size of
fish that can be
taken under license**

SEC. 14. It shall be unlawful for any person to take from the waters described in section two (2) of this act, by seine or net, any food fishes and cause or permit same to perish or be destroyed, or to remove such fish with-

**Food fishes must
not be injured or
destroyed**

in such water so as to cause same to be destroyed or to perish, and any person taking any food fishes from such waters who does not make use of same shall immediately return same to such waters without injury. Section 2547. A5.

Penalty

SEC. 15. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period of not exceeding thirty (30) days or by a fine not exceeding one hundred (\$100.00) dollars. Section 2547 A6. (23 G. A., ch. 34, Sec. 11; 18 G. A., ch. 92; 16 G. A., ch. 70, Sec. 10). (29 G. A., ch. 104, Sec. 1). (33 G. A., ch. 155). (34 G. A., ch. 117).

**All dams must
have fish ways**

SEC. 16. *Fish ways.* No dam or obstruction across any river, stream or other waters of this State shall be erected or maintained which is not provided with a fish way of suitable capacity and facilities to afford a free passage for fish up and down the same, while the water is running over such dam or obstruction. Any dam or obstruction which is not so constructed is a public nuisance, and may be abated accordingly. A violation of this section is a misdemeanor, and in addition to the remedy in this section provided, the offender may be punished by a fine of not less than one hundred dollars or imprisonment in the county jail not less

than fifteen days nor more than thirty days. Section. 2548. (17 G. A., ch 188).

SEC. 17. *Fish dams — Condemning property for.* Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry or other material to the natural and ordinary level of the lake, above and across the entire width to be an open network of bars or wire with the necessary supports, so arranged as to prevent as far as may be, the escape of fish. For this purpose, upon a petition of a majority of the resident taxpayers of any city or town, so much land as is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund. Section 2549. (24 G. A., ch. 46; 22 G. A., ch. 108; 21 G. A., ch. 63, Secs. 1, 2).

SEC. 18. *Penalty for injuring or destroying.* Whosoever shall willfully injure or destroy such dam so erected or maintained shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than one hundred nor

Rights of citizens to condemn property for fish dams in lakes situated adjoining any city or town

Penalty for destroying any dam erected by any city or town

more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than one hundred days, and pay the costs of prosecution. Section 2550. (21 G. A., ch. 63, Sec. 3).

**Open and closed
season for game
birds and animals**

SEC. 19. *Game protected.* No person shall trap, shoot, or kill any pinnated grouse or prairie chicken between the first day of December and the first day of September next following, any woodcock, between the first day of January and the tenth day of July; any ruffed grouse or pheasant, wild turkey or quail, between the fifteenth day of December and the first day of November; any wild duck, goose or brant, rail, plover, sand piper and marsh or beach bird, between the fifteenth day of April and the first of September; or any gray or fox squirrel or timber squirrel between the first day of January and the first day of September. Shooting or killing quail on the public highway shall be in violation of the law. No person shall kill or attempt to kill any of the birds mentioned in this section from any artificial ambush of any kind or with the aid or use of any sneakboat or sink box, or from any sail boat, gasoline or electric launch or steamboat, or any other water conveyance, except as propelled by oar or paddle, or other device used for concealment in the open water, nor use any artificial light, battery or

**Killing quail on
public highway
unlawful**

**Killing game birds
or animals from
unlawful devices**

other deception, contrivance or device whatever with the intent to attract or deceive any of the birds mentioned in this chapter, except that decoys may be used in hunting wild geese and ducks, but no person shall at any time hunt or shoot from any boat, canoe, contrivance or device whatever on any of the waters of this State between sunset and sunrise. Any person violating any of the provisions of this section shall be held guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, and in addition thereto for use of any ambush, sink box, sneakboat or other water conveyance, prohibited by law, on the waters of this State, a fine of not less than twenty-five dollars, nor more than one hundred dollars, and shall stand committed to the county jail for thirty days unless such fine and costs are paid. Section 2551. (20 G. A., ch. 67; 18 G. A., ch. 193; 17 G. A., ch. 156, Sec. 2; 30 G. A., ch. 92, Sec. 3; 33 G. A., ch. 153, Sec. 4); 27 G. A., ch. 66, Sec. 1; 29 G. A., ch. 103, Sec. 7.

SEC. 20. It shall be unlawful for any person other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat, except when des-trained as provided by law. Any person

**Shooting between
sunset and sunrise
unlawful upon
public waters
of the State**

Penalty

**Deer, elk, and
goat protected**

Penalty

violating the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period not exceeding thirty (30) days or by a fine not exceeding one hundred (100) dollars, or by both such fine and imprisonment. Section 2551A & B. (27 G. A., ch. 65; 34 G. A., ch. 118).

Unlawful to kill for traffic

SEC. 21. *Killing for traffic.* No person shall at any time or at any place within this State, trap, shoot or kill for traffic any of the birds, animals or game named in this chapter, nor shall any person shoot or kill more than twenty-five in any one day, of any kind of said named animals, birds or game, nor shall any one person, firm or corporation have more than twenty-five of either kind of said named birds or game named in this chapter in his or their possession at any time unless lawfully received for transportation, provided, however, the limit of ducks in possession is hereby made fifty. Nor shall any person capture or take, or attempt to catch or take, with any trap, snare or net any of the birds or animals named in the preceding sections; or in any manner willfully destroy the eggs or nest of any of the birds named in this chapter. Any person, firm or corporation violating any of the provisions of this section shall be held to be guilty of a misdemeanor and punished

Limit, 25 game birds or animals in any one day**Unlawful to have in possession more than 25 of said named birds or animals except ducks****Unlawful to destroy eggs or nests****Penalty**

as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Section 2552. (33 G. A., ch. 153, Sec. 5).

SEC. 22. *Trapping.* It shall be unlawful for any person to kill, trap or ensnare any beaver, mink, otter or muskrat between the first day of April and the first day of November, except where such killing, trapping or snaring may be for the protection of private or public property. Section 2553. (17 G. A., ch. 156, Sec. 4).

Trapping

SEC. 23. *Prohibiting the sale of game birds.* It shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any of the birds, game or animals named in this chapter, and it

**Unlawful to sell,
dead or alive,
game or animals**

shall be unlawful to have the same in possession during the period when the killing of such birds, game or animals is prohibited, except during the first five days of such prohibited period; and the possession by any person, firm or corporation of any of such birds, game or animals during such prohibited period, except during the first five days thereof shall be presumptive evidence of the violation of this chapter relating to game and he or they shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supple-

Possession unlawful five days after closed season

ment to the code, 1907. Section 2554. (33 G. A., ch. 153, Sec. 6).

**Shipping game
birds or animals
within or out
of State**

SEC. 24. *Shipping game birds or animals.* No person, company or corporation shall at any time ship, take or carry out of this State any of the birds or animals named in this chapter. No person, firm or corporation shall at any time ship to any person, firm or corporation within this State any of the birds or animals named in this chapter, except in strict compliance with the following provisions. It shall be lawful for any person to ship to any person within this State any game birds named, not to exceed one dozen in any one day, during the period when the killing of such birds is not prohibited; but before such shipment is made he shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold, or had in possession, are not being shipped for sale or profit, giving the name and postoffice address of the person to whom shipped, and the number of birds to be so shipped. A copy of such affidavit, endorsed "a true copy of the original" by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release

**Shipment unlawful
by affidavit**

to such carrier or agent from any liability in the shipment or carrying of such birds. The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of the sections of this chapter relating to game. Any person who shall ship more than one dozen of the birds named in this chapter in any one day, or any person shipping any of the birds named in this chapter without first complying with the provisions of this section, or any person, firm, or corporation violating any of the provisions of this section at any time, shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Provided, however, that it shall be lawful to have in possession game lawfully taken outside this state and lawfully brought into this state, but the burden shall rest upon the person in possession to establish the fact that such game so shipped into the state was lawfully killed and lawfully shipped into this state. Section 2555. (17 G. A., ch. 156, Sec. 6; 33 G. A., ch. 153, Sec. 7).

SEC. 25. *Penalty.* If any person shall use any device, kill, trap, ensnare, buy, sell, ship, or have in his possession, or ship, take or carry out of the State, or ship within the State, contrary to the

provisions of this chapter, any of the birds or animals named or referred to herein, or shall willfully destroy any eggs or nests of the birds named or referred to in the preceding sections, he shall be guilty of a misdemeanor and be punished by a fine of ten dollars for each bird, beaver, mink, otter, muskrat, or other animals named or referred to in this chapter, and ten dollars for each nest and the eggs therein, so killed, trapped, ensnared, bought, sold, shipped, had in possession, destroyed, or shipped, taken or carried out of the State or shipped within this State contrary to law, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid. Section 2556. (17 G. A., ch. 156, Sec. 7; 29 G. A., ch. 103, Sec. 8; 33 G. A., ch. 153, Sec. 8).

**Receiving for
transportation**

SEC. 26. *Receiving for transportation.* If any railway or express company, or other common carrier, or any of their agents or servants, receive any of the fish, birds or animals mentioned or referred to in this chapter, for transportation or other purposes, during the period hereinbefore limited and prohibited, or at any other time except in the manner provided in this chapter, he or it shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the

county jail for thirty days, or by both such fine and imprisonment. Section 2557.

SEC. 27. *Using swivel-gun or poison.* If any person shoot or kill any wild duck, goose or brant with any swivel-gun, or any kind of gun except such as is commonly shot from the shoulder, or shall use medicated or poisoned food to capture or kill any of the birds named in this chapter, he shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days, unless such fine and costs of prosecution are sooner paid. Section 2558. (17 G. A., ch. 156, Sec. 9).

What guns are lawful

SEC. 28. *Prosecution.* In all prosecutions under this chapter, any number of violations may be included in the information, but each one shall be set out in a separate count. Prosecutions for violations of any provisions of this chapter may be brought either in the county in which the offense was committed, or in any other county where the person, company or corporation complained of has had or has in his or their possession any fish, birds or animals named herein and bought, sold, caught, taken, killed, trapped or ensnared in violation hereof. When requested by the fish and game warden the attorney-general shall give his opinion, in writing, upon all questions of law pertaining to the office of

Prosecution, how made

Attorney-general shall give opinions

such warden. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any provisions hereof. Section 2559. (27 G. A., ch. 64, Sec. 3; 17 G. A., ch. 156, Sec. 11; 33 G. A., ch. 153, Sec. 10).

Hunting upon cultivated or enclosed land trespass

SEC. 29. *Hunting upon cultivated or enclosed land.* No person shall hunt with dog or gun upon the cultivated or enclosed lands of another without first obtaining permission from the owner, occupant, or agent thereof. All islands in navigable streams bordering on the State shall be deemed enclosed lands without fences where the owners or lessees thereof post in plain view notices warning others not to trespass thereon. Any person violating the provisions of this section shall be punished by a fine of not more than ten dollars and costs of prosecution, and shall stand committed until such fine and costs are paid, for each and every offense, but no prosecution shall be commenced under this section except upon the information of the owner, occupant or agent of such cultivated or enclosed lands. Section 2560. (25 G. A., ch. 64, and 31 G. A., ch. 160).

Who may prosecute

Protection of non-game birds

SEC. 30. *Protection of birds.* That all wild birds, both resident and migratory in this State, shall be, and are

hereby declared to be the property of the State. Section 2563 J.

SEC. 31. That no person shall, within the State of Iowa, kill or catch, or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the State, any such wild bird after it has been killed or caught, except as permitted by this act. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the State. For the purpose of this act the following only shall be considered game birds: The Anatidæ, commonly known as swans, geese, brant and river and sea ducks; the Rallidæ, commonly known as rails, coots, mud hens and gallinules; The Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sand pipers, tattlers and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. All other species of wild birds, either resident or migratory, shall be considered non-game birds. Section 2563 K.

SEC. 32. That no person shall, within the State of Iowa, take or needlessly destroy or attempt to take or destroy the nest or the eggs of any wild birds or have

**Sale of wild bird
plumage, etc.,
prohibited**

**Game birds
defined**

**Destroying of eggs
and nests of wild
birds**

**Shipment
prohibited**

such nest in his or her possession, except as permitted by this act. Section 2563 L.

SEC. 33. That no person or persons, or any corporation acting as a common carrier, its officers, agents or servants, shall ship, carry, take or transport, either within or beyond the confines of the State, any resident or migratory wild non-game bird, except as permitted by this act. Section 2563 M.

SEC. 34. That Sections 2, 3, 4, and 10 of this act shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs for scientific purposes only, as provided in section 6 of this act. Section 2563 N.

**Permits issued for
scientific purposes
only**

SEC. 35. That certificates may be granted by the fish and game warden of the State to any properly accredited persons of the age of fifteen years or upward, permitting the holder thereof to collect birds, their nests or eggs for scientific purposes only. The applicant for the same must present to said officer written testimonials from two well-known ornithologists who must be residents of Iowa, certifying to the good character and fitness of said applicant to be entrusted with such privilege; and must pay said officer one dollar to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has killed any bird, or taken the nests

Fees

or eggs of any bird for other than strictly scientific purposes, his certificate shall become void, and he shall be liable to a fine of one hundred dollars, or imprisonment of thirty days, or both, at the discretion of the court. Section 2563 O.

SEC. 36. That the certificates authorized by section 6 of this act shall expire on the thirty-first day of December of the year issued, and shall not be transferable. Section 2563 P.

SEC. 37. That the English, or European house sparrow, great horned owl, sharp shinned hawk, Cooper's hawk and blackbirds and crows are not included among the birds protected by this act. Section 2563 Q.

Birds not protected

SEC. 38. That nothing in this act shall prevent a citizen of Iowa from taking or keeping any wild non-game bird in a cage as a domestic pet, provided that such bird shall not be sold, or exchanged, or offered for sale or exchange, or transported out of the State, and provided, further, that this act shall not be construed to forbid the selling or shipping of parrots, canaries, or any other cage birds, which are imported from other countries, or not native to any part of the United States. Section 2563 R.

Domestic pets

**Parrots and
canaries**

SEC. 39. That any person who violates any of the provisions of this act shall be

Penalty

guilty of a misdemeanor, and shall be liable to a fine of five dollars for each offense, and an additional fine of five dollars for each bird, living or dead, or part of bird, or nest, or set of eggs, or part thereof, possessed in violation of this act, or to imprisonment for thirty days, or both, at the discretion of the court. Section 2563 S.

SEC. 40. All acts or parts of acts heretofore passed inconsistent with or contrary to the provisions of this act are hereby repealed. Section 2563 T. (31 G. A., ch. 108)

May appoint
Deputies

SEC. 41. *Deputy fish and game wardens.* The fish and game warden may appoint three assistant fish and game wardens, who shall receive a salary of twelve hundred (\$1200.00) dollars per year, and such number of deputies as he may deem necessary, who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem and actual expenses, for the time and money actually employed and expended by them in the enforcement of the provisions of this act.

Per diem and
expenses

Such deputy wardens shall act under the advice and direction of the fish and game warden, and perform such duties in relation to their offices as may be required of them and submit under oath, itemized statements of their per diem and expenses as aforesaid; and shall have full power and authority to serve

Deputies have
power to serve and
execute warrants

and execute all warrants and process of law issued by any court, in enforcing the provisions of this act or any other law of this State relating to the propagation, preservation and protection of fish, game and birds, in the same manner as any constable or sheriff may serve and execute the same and receive the same fee therefor, and for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables and police officers and other persons when called upon to enforce and aid in enforcing the provisions of this act. All deputy wardens shall have power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of propagation and protection of fish, game and birds. All deputy wardens shall give bonds conditioned for the faithful performance of their duties, in such amounts as may be fixed by the State executive council. Section 2562. (33 G. A., ch. 153, Sec. 9; 35 G. A., ch. 203).

**Can call on sheriff
and other officers**

Shall give bonds

SEC. 42. *Fish commissioner.* The office of fish commissioner is hereby abolished and the present fish commissioner shall be fish and game warden. Section 2563.

Resident and Non-Resident Hunters' License Law

SEC. 43. That sections twenty-five hundred sixty-three-a (2563-a), twenty-five hundred sixty-three-b (2563-b), twenty-five hundred sixty-three-c (2563-c), twenty-five hundred sixty-three-d (2563-d), twenty-five hundred sixty-three-e (2563-e), twenty-five hundred sixty-three-f (2563-f), twenty-five hundred sixty-three-g (2563-g), and twenty-five hundred sixty-three-h (2563-h) of the supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereto. (33 G. A., ch. 154, Sec. 1).

Resident and non-resident hunting license required

SEC. 44. No person shall hunt, pursue, kill or take any wild animal, bird or game in this State, with a gun, without first procuring a license as herein provided. (*Ibid* Sec. 3).

Age limit

SEC. 45. No license shall be granted any person under eighteen years of age unless the written consent of parents or guardian is attached to the application. (*Ibid* Sec. 3).

Warden shall furnish applications and licenses to County Auditors

SEC. 46. The State fish and game warden shall furnish county auditors with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license

shall authorize its holder to hunt in accordance with the provisions of this act in any county of the State, but not on enclosed or cultivated lands without permission of the owner, or the tenant or upon any public highway; and shall bear a facsimile signature of the State fish and game warden and the seal and signature of the county auditor in which it is issued. (*Ibid.* Sec. 4).

SEC. 47. An applicant for a license shall fill out an authorized application blank and subscribe and swear to it before the county auditor, or a notary or justice of the peace before the license is issued, the applicant, if a resident of the State of Iowa, shall pay the county auditor the sum of one dollar (\$1.00) as a license fee, and if a non-resident of the State of Iowa shall pay him the sum of ten dollars (\$10.00) as a license fee. These fees the county auditor shall pay at the end of each month to the State treasurer, who shall place them to the credit of a fund known as the fish and game protection fund. (*Ibid* Sec 5).

License obtained
from County
Auditor

Application can be
sworn to before
Notary or Justice
of the Peace

SEC. 48. A non-resident holding a valid license may take from the State not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request. (*Ibid* Sec. 6).

Non-resident's
privilege

SEC. 49. The State fish and game protection fund shall be used for the pay-

How funds shall
be used

ment of the expenditures made necessary under the provisions of section 2539 of the code, for the traveling, contingent and office expenses of the warden; for deputy wardens' salaries and expenses; for the protection and propagation of fish and game; for gathering and distributing fish in the public waters of the State; for the care and preservation of the lakes of the State; for the expenditures made necessary under the operation or enforcement of this statute or any other laws enacted affecting the fish and game service; and shall be paid out only on verified vouchers approved by the executive council. (*Ibid* Sec 7).

County Auditor to
keep record

SEC. 50. The county auditor shall keep a record of the licenses he issues which shall show the date of issue, the name and address of the person to whom issued, and the date of revocation, if revoked. (*Ibid* Sec. 8).

SEC. 51. The license shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill wild animals, birds or game within the State at any time when it shall be lawful to hunt, pursue and kill such wild animals, birds or game. but it shall not entitle the person to whom issued, to hunt, pursue or kill wild animals, birds or game in this State without being prepared at the time of so doing to exhibit it for inspection and permitting it, on demand, to be examined

by any person. All licenses shall be void after the first day of July next succeeding issuance. Provided, however, that owners of farm lands, their children and tenants, shall have the right, without procuring a license, to hunt and kill wild animals, birds or game upon the lands owned or occupied by them. Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such costs and fines are paid, but such imprisonment shall not exceed thirty days for each offense. Any person who shall alter or change a license in any material manner shall be deemed guilty of forgery, and upon conviction thereof shall be subject to the penalties provided for the commission of forgery. Any person who uses or attempts to use the license of another, or altered license, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense. (*Ibid* Sec. 9)

**Must have license
in possession
while hunting**

**Owners' and
tenants' privileges**

Penalty

License may be
revoked

SEC. 52. A license in the possession of any person other than to whom first issued, and on complaint, the license of any person hunting on enclosed or cultivated lands, without permission of the owner or tenant, may be revoked by the county auditor. (*Ibid* Sec. 10).

License must be
exhibited

SEC. 53. Possession of a gun in the fields or forests or on the waters of the State, or upon the ice of the same; and a failure to display a license when it is demanded by any person, shall be, except in the case of the owner or tenant, prima facie evidence of a violation of the provisions of this act. (*Ibid* Sec. 11).

SEC. 54. Any appropriation made by the general assembly for the use of the State fish and game warden shall not be drawn upon until the fund arising from license fees shall be exhausted. (*Ibid* Sec. 12).

SEC. 55. All acts and parts of acts inconsistent with this act are hereby repealed. (*Ibid* Sec. 13).

Unlawful to use
any live bird for
the purpose of a
target

SEC. 56. *Using birds for target.* Any person who keeps or uses a live pigeon, fowl or other bird for the purpose of a target or to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or leases any building, room, field, or premises, or knowingly permits the use thereof, for the purpose of such shoot-

ing, shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail not exceeding thirty days. Nothing in this act shall apply to the shooting of wild game. Section 2563 I. (30 G. A., ch. 96, Sec. 1).

SEC. 57. *Pheasants protected.* No person shall trap, shoot, kill or take in any manner, any Mongolian, Ring Neck, English or Chinese pheasants in this State prior to the first day of October, A. D., 1915. Section 2563 U 1.

Imported birds
and pheasants
protected

SEC. 58. Any person violating the provisions of this act shall, upon conviction thereof, be fined not to exceed one hundred dollars or imprisonment in the county jail not to exceed thirty days. Section 2563 U 2. (32 G. A., ch. 134, Secs. 1, 2).

SEC. 59. The ownership and title of all wild game, animals and birds, found in the State of Iowa, except deer in parks and public and private preserves, the ownership of which has been acquired prior to taking effect of this act, and all fish in any of the public waters of the State, including all ponds, sloughs, bayous, or other waters adjacent to any public water, which ponds, sloughs, bayous and other waters are stocked with fish by overflow of public waters, is hereby declared to be in the State, and no wild game, animals, birds or fish shall be taken, killed, or caught in any

Exceptions prior
to April 15, 1911

Title of all wild
game, animals, or
fish, in the State
of Iowa

manner at any time, or had in possession, except the person so catching, taking, killing, or having in possession, shall consent that the title to said wild game, animals, birds, or fish, shall be and remain in the State of Iowa for the purpose of regulating and controlling the use and disposition of the same after such catching, taking, or killing. (34 G. A., ch. 118, Sec. 1).

SEC. 60. The catching, taking, killing, or having in possession, wild game, animals, birds, or fish at any time, or in any manner, or by any person, except as provided in section 1 hereof, shall be deemed a consent of said person that the title of the State shall be and remain in the State for said purpose of regulating the use and disposition of the same and said possession shall be consent to such title in the State. (34 G. A., ch. 118, Sec. 2).

Warden may kill
or capture deer
and distribute
same

SEC. 61. When it shall become necessary in the opinion of the state game warden or his deputies, to kill or capture any deer now running at large within this State, it shall be done under the authority and direction of the state fish and game warden, who shall distribute such deer so killed or captured within this State, and the expense of said killing or capture and distribution shall be paid by the person receiving such deer. (35 G. A., ch. 206, Sec. 1).

The Lacey Bird Law

An act to enlarge the powers of the department of agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the department of agriculture are hereby enlarged so as to include the preservation, distribution, introduction and restoration of game birds and other wild birds. The secretary of agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The secretary of agriculture shall from time to time collect and publish useful information as to the propagation, uses and preservation of such birds.

And the secretary of agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend

for said purposes such sums as congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under the special permit from the United States department of agriculture; provided that nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the secretary of agriculture may designate.

SEC. 3. Sections 241, 242, 243, and 244 of the Criminal Code of the United States (35 Stat., 1088) in effect January 1, 1910, are as follows:

SEC. 241. The importation into the United States or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary

of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barn-yard fowls.

SEC. 243. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package.

SEC. 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred



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dollars; the consignee and the carrier shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

SEC. 4. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory, be subjected to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Approved May 25, 1900.



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